

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

2017 JAN 17 AM 9:02

STATE OF WASHINGTON

Respondent,

v.

Jeffery Boatright
(your name)

Appellant.

STATE OF WASHINGTON
No. 49-218-1-II
DEPUTY
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Jeffery Boatright, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

Failure to provide me with a complete Discovery and
Denying a continuance to view it & to properly provide
a Defence on my own Behalf.

Additional Ground 2

ineffective Counsily failures 1. to provide me with complete Discovery 2. to as asked
By me, 3. to do supression Hearing prior to trial 4. to argue Video under
Best Evidence Rule. 5. to be prepared for trial. I should not of
found out during trial that the ^{video was} Tampered with. Being prepared is
also viewing all evidence and question witnesses and getting
expert witnesses prior to trial I feel that he failed to do that.
the Attached page & comment

If there are additional grounds, a brief summary is attached to this statement.

Date: 1-12-17

Signature: Jeffery Boatright

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON,)
)
Plaintiff,)
)
vs.) SUPERIOR COURT NO. 16-1-00706-J4
)
JEFFERY BOATRIGHT,) COURT OF APPEALS NO. 49218-1-11
)
Defendant.)

THE HONORABLE ANNE HIRSCH PRESIDING

Jury trial
Volume I
Verbatim report of proceedings
June 27, 2016
2000 Lakeridge Drive SW, Building 2
Olympia, Washington

Ralph H. Beswick, Official Court Reporter
Certificate No. 2023
1603 Evergreen PK Ln SW
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APPEARANCES

For the Plaintiff: James Powers
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For the Defendant: James Shackleton
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Discovery is more than Police Reports, Video, Evidence, ect.

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(Jury out.)

THE COURT: Thank you. You can be seated. Good morning.

MR. GRIFFITH: Good morning, Your Honor.

MR. SHACKLETON: Good morning, Your Honor.

THE COURT: We have two cases set for trial this morning. The primary matter is State of Washington v. Jeffrey Allen Boatright. Are the parties ready?

MR. POWERS: The State is ready, Your Honor.

THE COURT: Good morning, Mr. Boatright. Good morning, Mr. Shackleton.

MR. SHACKLETON: Good morning, Your Honor. Your Honor, I am prepared to go to trial. My investigator has talked with the material witnesses. I have --

THE COURT: Excuse me just one second

Mr. Boatright, you can sit down if you'd like.

Go ahead.

MR. SHACKLETON: And I have -- I believe that I am prepared to go to trial. My client indicated to me that he wished to request a continuance, but I did want the court to know that I am prepared to go to trial today.

THE COURT: Okay. And what would be the basis?

THE DEFENDANT: I would like discovery and stuff to review before trial and everything else. I haven't had a complete discovery yet.

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MR. SHACKLETON: Your Honor, I have reviewed the police reports with him. I'm still waiting for my paralegal to redact a copy to get to the prosecutor a copy for the defendant. But I have reviewed the police reports with my client.

THE COURT: And again Mr. Shackleton, you're ready to proceed?

MR. SHACKLETON: I am ready to proceed.

THE COURT: Mr. Powers.

MR. POWERS: Yes, Your Honor. State's very much opposed to any request for a continuance at this time. I'll note that the State has one witness who is just about to leave, actually was planning to leave before now for a approximately six-month trip down to Latin America, and he has delayed that trip so that he can testify at this trial. He is a material and important witness. Not only is he one of the victims in this case, but also is the person who can authenticate a video which the State alleges actually shows the defendant committing the crime alleged.

THE COURT: Mr. Shackleton, anything else?

MR. SHACKLETON: No, Your Honor.

THE COURT: Mr. Boatright, the State is ready to go to trial. The State has indicated that they object. Your attorney is telling me that he's ready to go to trial, that he's reviewed the police reports with you. I'm going to

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*Court fail to Ask me
if in fact He went over everything.*

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1 deny the request for the continuance. I don't find that
2 there's good cause to continue this matter.

3 Mr. Shackleton, anything else? Do you need a minute to
4 speak with your client?

5 MR. SHACKLETON: Not on that issue. I don't have
6 anything more for the court.

7 THE COURT: So what I'd like to do then because I
8 want to -- we're already like twenty minutes behind
9 schedule, I want to -- we have some matters we need to do
10 pretrial in this case, and I want to address the other
11 matters if it's not going to be going to trial. So that
12 would be State v. is it Tafoya?

13
14 *****
15 Another matter is addressed
16 *****

17
18 THE COURT: Okay. Can we go back then to the matter
19 of State of Washington v. Jeffrey Allen Boatright, and I'd
20 like to at this time begin our pretrial conference so that
21 we can see what the issues are this morning. I want to say
22 about 8 30 I received a motion in limine from the State. I
23 also received a supplemental jury instruction and a
24 memorandum regarding the use of restraints at trial. Was
25 there anything else I'm missing?

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1 MR. POWERS: No, Your Honor.

2 THE COURT: Okay. And Mr. Shackleton, I don't
3 believe I got any jury instructions from you, and that's
4 fine, but I just want to check.

5 MR. SHACKLETON: Your Honor, I don't have any jury
6 instructions at this time. I will let the court know that
7 I think the parties will be stipulating as to the fact that
8 Mr. Boatright has two separate convictions for vehicle
9 prowling in the second degree, and I will be presenting to
10 the prosecutor and to the court a proposed stipulation that
11 we would ask that the court read to the jury and then also
12 an instruction as to -- as to that that the court should
13 instruct the jury that there's been proof beyond a
14 reasonable doubt of these two prior convictions. I hope to
15 have that for the court by early this afternoon.

16 THE COURT: Okay. And I would expect that you and
17 Mr. Powers will work together to either reach an agreement
18 or let the court know that you aren't able to do so, but
19 that sounds like that's not going to be an issue.

20 MR. SHACKLETON: Certainly.

21 THE COURT: Mr. Powers.

22 MR. POWERS: Yes, Your Honor. I've reviewed this
23 morning the proposed language. I did make one request for
24 a change in that language, but otherwise, I think that
25 that's probably going to be good enough, and the State's

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1 not going to impose the use of a stipulation in this case.
2 I think there's a reason for the defendant to seek that to
3 avoid a possible impact from other information that would
4 necessarily come out in the course of setting forth the
5 criminal history in the way that the State would have to do
6 in order to prove it so I understand the reason for that.

7 We've talked a little bit about the manner in which this
8 would be presented to the jury. I'll note that there is an
9 oral instruction in the standard pattern instructions to go
10 along with the stipulation itself, kind of an introduction
11 to the stipulation that is proposed as the way in which
12 it's to be presented to the jury, and I can have my staff
13 prepare an instruction along those lines once we have the
14 language of the stipulation itself ready to go.

15 THE COURT: All right. And that's a pattern form?

16 MR. POWERS: It is.

17 THE COURT: A pattern instruction?

18 MR. POWERS: It is, yes, Your Honor.

19 THE COURT: That would be great. I will have a
20 number of matters I want to go over, one of which is when I
21 was preparing late Friday to begin to see what I had on my
22 plate for this week, I looked at this case, which I haven't
23 seen before, and I noticed on the witness list that there
24 is a witness that I know, and that's Philip Kelley, and I
25 don't believe I have to recuse. I don't intend to recuse,

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1 but I wanted to disclose that. I don't believe that's
2 going to impact my ability to conduct myself according to
3 the way I need to conduct myself in a jury trial, but I
4 wanted to disclose that and give everybody an opportunity
5 to make any requests or to put anything on the record.

6 And Mr. Shackleton, I'll give you time to speak with Mr.
7 Boatright about that if you'd like to have a chance to do
8 that. (Attorney-client conversation.)

9 Before we get back to the Boatright matter, Mr.
10 Griffith, did you sign that order?

11 MR. GRIFFITH: I did, Your Honor. It's being
12 prepared. Mr. Tafoya refused to sign it, but he was
13 obviously present for the court's order.

14 THE COURT: I'll just note then for the record that
15 Mr. Tafoya was informed by the court that we were not
16 reaching the trial this week. I'll set it on the status
17 confirmation calendar for this coming Wednesday the 29th of
18 June at nine o'clock, and I'm fairly confident that it will
19 have some priority for the next week of trial.

20 MR. GRIFFITH: Thank you, Your Honor.

21 THE COURT: Thank you, Mr. Griffith. Thank you,
22 Mr. Tafoya.

23 Mr. Powers, thank you.

24 Mr. Shackleton

25 MR. SHACKLETON: Your Honor, I have discussed this

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